

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,

Defendants.

Case No. 18-cv-07591-CRB

**ORDER DENYING MOTIONS FOR  
SUMMARY JUDGMENT**

Plaintiff asserts public nuisance claims against all Defendants and UCL claims against all Defendants except Walgreens. Plaintiff's claims are based on two theories of liability: (1) that Defendants made false and misleading statements about the safety and risks of opioids ("false statement theory") and (2) that Defendants failed to design and operate effective systems to identify suspicious orders of opioids and to prevent diversion of opioids ("failure to monitor theory"). Defendants filed one joint motion for summary judgment and multiple individual motions for summary judgment. The Court denies the following motions for summary judgment.<sup>1</sup>

**1. Actavis MSJ (dkt. 982)**

Actavis's motion for summary judgment on Plaintiff's public nuisance and UCL claims is denied as to both claims. Genuine disputes of material fact preclude summary judgment under both the false statement theory and the failure to monitor theory. There are also genuine disputes of material fact regarding whether Actavis made false or

<sup>1</sup> Endo Defendants' motion for summary judgment is addressed in a separate order.

misleading statements within the statute of limitations for the UCL claim.

**2. Anda MSJ (dkt. 976)**

Anda's motion for summary judgment on Plaintiff's public nuisance and UCL claims is denied as to both claims. Genuine disputes of material fact preclude summary judgment under the failure to monitor theory. There are also genuine disputes of material fact as to when Plaintiff could have reasonably discovered the facts giving rise to its UCL claim against Anda.

**3. Cephalon MSJ (dkt. 985)**

Cephalon's motion for summary judgment on Plaintiff's public nuisance and UCL claims is denied as to both claims. Genuine disputes of material fact preclude summary judgment under both the false statement theory and the failure to monitor theory. There are also genuine disputes of material fact as to whether Cephalon made false or misleading statements within the statute of limitations for the UCL claim.

**4. Teva MSJ (dkt. 964)**

Teva's motion for summary judgment on Plaintiff's public nuisance and UCL claims is denied as to both claims. Genuine disputes of material fact preclude summary judgment under both the false statement theory and the failure to monitor theory.

**5. Defendants' Joint MSJ (dkt. 972)**

Defendants' joint motion for summary judgment on Plaintiff's public nuisance and UCL claims is denied as to both claims. Genuine disputes of material fact preclude summary judgment under both the false statement theory and the failure to monitor theory.

**IT IS SO ORDERED.**

Dated: April 7, 2022



CHARLES R. BREYER  
United States District Judge